

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MALIBU MEDIA, LLC,	:	CIVIL ACTION NO. 1:18-CV-754
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
JOHN DOE subscriber assigned	:	
IP Address 98.117.2.11,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 21st day of March, 2019, upon consideration of the parties' stipulation (Doc. 36) pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), it is hereby ORDERED that the parties' stipulation (Doc. 36) is CONSTRUED as a motion pursuant to Rule 41(a)(2) and is GRANTED as so construed.¹ The parties' claims against each other are DISMISSED with prejudice, with each party to bear its own fees and costs.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania

¹ We note for counsel's benefit that Rule 41 contemplates three methods of dismissal. Before an answer or summary judgment motion has been filed, an action can be dismissed by a notice of dismissal signed by plaintiff alone. See FED. R. CIV. P. 41(a)(1)(A)(i). After an answer or motion for summary judgment has been filed, the parties can dismiss a case by filing a stipulation of dismissal signed by all parties to have appeared. See FED. R. CIV. P. 41(a)(1)(A)(ii). Either of these filings operates to automatically close the case and end the court's jurisdiction without court action. For a dismissal that is conditional or otherwise requires court approval, including, for example, a request that the court retain jurisdiction for a specific period of time for enforcement of the settlement, the plaintiff shall submit a motion to dismiss setting forth the requested terms for dismissal, accompanied by a proposed order. See FED. R. CIV. P. 41(a)(2).